

FIFTH JUDICIAL DISTRICT COURT
LEA COUNTY NEW MEXICO
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FIFTH JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO

COUNTY OF LEA

2019 JAN -2 PM 1:42

NEIDA CUELLAR
DISTRICT COURT CLERK

CLIFTON SKIDGEL
Plaintiff,

v.

GEO. GROUP, INC
Defendant(s),

CIVIL NO # D-506-CV-2019-1

COMPLAINT Lee A. Kirksey
(TORT)

I. NATURE OF THE ACTION

1. This is a tort suit authorized by the New Mexico Tort Claims Act, Chapter 41 N.M.S.A., by a corrections department prisoner who seeks damages for the following:

- (a) ① VIOLATION OF THE 14TH AMENDMENT BY
LOSS OF DUE PROCESS RIGHTS
② VIOLATION OF THE 8TH AMENDMENT'S BAR TO
③ CRUEL AND UNUSUAL PUNISHMENT (2 COUNTS)

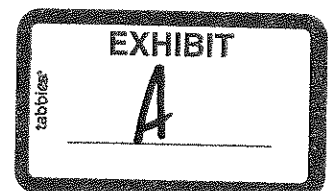
II. JURISDICTION

2. FIFTH District Court has jurisdiction in Tort actions pursuant to the New Mexico Tort Claims Act N.M.S.A. Chapter 41. a Notice of Claim was previously filed with the Risk Management Division pursuant to 41-4-16, N.M.S.A. (1978).

III. PARTIES

3. The plaintiff is CLIFTON SKIDGEL, a prisoner at the LEA COUNTY
CORRECTIONAL FACILITY

(1)



4. Defendant(s) is(are) G.E.O. Group, Inc, and holds the office of OPERATOR AND MANAGER.

IV. FACTS

5. A) PURSUANT TO THE DOCTRINE OF
RESPONDANT SUPERIOR, THE G.E.O. GROUP, INC.
IS SOLE CUSTODIAN OF UMCD INMATES, AS
MANAGER, AND OPERATOR OF THE LEA COUNTY
CORRECTIONAL FACILITY LOCATED AT HOBBS,
NM. DEFENDANT HAS SOLE RESPONSIBILITY
OF ACTIONS, CONDUCT AND TRAINING OF
YOUR EMPLOYEES AS THEY MANAGE INMATES
AT THE FACILITY. BY DOCTRINE YOU HAVE
SOLE LIABILITY OF THESE EMPLOYEES ACTIONS,
CONCERNING THE TREATMENT OF THE INMATES
HOUSED HERE BY CONTRACT. IT IS YOUR SOLE
RESPONSIBILITY TO CARE FOR THESE INMATES.
AS STATED IN THE NOTICE OF CLAIM,
SERVED UPON YOU BY CERTIFIED MAIL,
(4) FOUR OF YOUR EMPLOYEES HAVE VIOLATED
PLAINTIFF'S CIVIL RIGHTS TO DUE PROCESS OF
LAW BY DENYING ME THE RIGHT TO BRING
A CIVIL RIGHTS PETITION FOR WRONG DOING
AND LOSS OF COMPENSATION CAUSED BY STATE
ACTORS. SAID REQUESTED NOTICE OF
COMPLAINT (CLAIM OR WRONG DOING) AS

(FACTS CONTINUED)

REQUIRED BY THE NEW MEXICO RULES ANNOTATED SECTION 41-4-16(1978) ALTHO HAND WRITTEN, DETAILING THE WRONG DOING AND CIVIL RIGHTS VIOLATIONS WAS TO BE COPIED SERVICE UPON STATE AGENCIES AND RISK MANAGEMENT. THIS ORDER BY G.E.O GROUP'S EMPLOYEES WHO ARE TRAINED BY THE CORPORATION, BEING MR. D. BURRIS AND V. NAEGELE CAUSED PLAINTIFF TO LOOSE THE TIME TABLE REQUIRED, FOLLOWING 4 YEARS OF LITIGATION TO REACH THAT POINT FOLLOWING A FINAL DECISION BY THE NEW MEXICO SUPREME COURT, MAKING THE EMPLOYEES AND G.E.O. GROUP, INC SOLELY Liable FOR THE OPPORTUNITY TO WIN PLAINTIFF'S FREEDOM AND RETURN OF LOST COMPENSATION OF \$189,584.06. THE G.E.O. GROUP, INC BARES FULL RESPONSIBILITY FOR THE ACTION AND TRAINING OF THESE EMPLOYEES BEING MR. D. BURRIS AND MS. V. NAEGELE. THE G.E.O GROUP, INC IS BY CONTRACT TO MANAGE INMATES UNDER IT'S CONTROL AND CUSTODY AND TO ENSURE THEIR RIGHTS ARE NOT VIOLATED BY IT'S EMPLOYEES

B AS STATED IN THE NOTICE OF CLAIM, CORRECTIONAL OFFICER MS. K. WILLIAMS, TRAINED AND ASSIGNED TO HOUSING UNIT 3 ON OR ABOUT

OCTOBER 15, 2018 DID REFUSE INMATES OF "B" Pod TO GO TO ASSIGNED MEDICATION CALL. KEEP ON PERSON PRESCRIBED MEDICATIONS WHICH THE INMATES HAD WAITED A WEEK FOR, AS THIS IS A ROUTINE FOR MONDAYS FOR THIS UNIT. ALTHO THE OTHER FOUR PODS WERE ALLOWED. OFFICER WILLIAMS BECAME BELLEGRANT AND SLAMMING THE DOOR STATING THIS Pod WOULD NOT GO TO THE CALL-OUT FOR MEDICATIONS IN A FURTHER CONFRONTATION. OFFICER WILLIAMS REFUSED TO CALL A SUPERVISOR. WANTON INDIFFERENCE TO PLAINTIFF'S MEDICAL NEEDS REQUIRING PLAINTIFF TO WAIT AN ADDITIONAL WEEK FOR A VARIETY OF MEDICATIONS CLEARLY A VIOLATION OF THE 8TH AMENDMENT'S BAR AGAINST CRUEL AND UNUSUAL PUNISHMENT PROVEN BY HER DELIBERATE INDIFFERENCE TO THE MEDICAL NEEDS OF THE INMATES PRESENT (ABOUT 8) MAKING THE DEFENDANT Liable FOR THIS ABUSE. IN ADDITION, OFFICER WILLIAMS REFUSED TO CALL FOR A SUPERVISOR TO ADDRESS THE COMPLAINT OF ALL THE INMATES INVOLVED. THIS ABUSE IS BARRED BY THE 8TH AMENDMENT [C] AS STATED IN THE NOTICE OF CLAIM. MAJOR BUCKLEY, AN EMPLOYEE OF THE GEO. GROUP, INC. WAS SHOWN A MEDICAL PASS (SEE EVIDENCE #1) ASSIGNING PLAINTIFF (4)

TO BE PLACED ON A BOTTOM BUNK AND ON THE BOTTOM TIER. PLAINTIFF HAS A HISTORY OF OSTEOARTHRITIS WITH MODERATE DEGENERATION, MULTIPLE FRACTURES AND HERNIAS WHICH CAUSE GREAT PAIN TO TRYING TO ACCESS THE TOP BUNK, AS ASSIGNED BY MAJOR BUCKLEY. ON MAY 22, 2018 I WAS MOVED TO THE BOTTOM TIER ONLY TO BE PLACED ON A TOP BUNK, IN DEFIANCE OF THE MEDICAL PASS. AS STATED, I SUBMITTED THREE WRITTEN REQUESTS TO MOVED TO A BOTTOM BUNK. DESPITE INFORMAL AND FORMAL GRIEVANCE THE MAJOR REFUSES TO HONOR THE MEDICAL ORDER AND PLACE ME ON A BOTTOM BUNK CLEARLY SHOWS HER DELIBERATE INDIFFERENCE TO MY MEDICAL NEEDS AND MAKING THE DEFENDANT CLEARLY RESPONSIBLE FOR HER VIOLATION OF MY CIVIL RIGHT TO BE FREE FROM CRUEL AND UNUSUAL PUNISHMENTS. THE DEFENDANT HAS A CONTRACT WITH THE NEW MEXICO CORRECTIONS DEPARTMENT TO PROVIDE A SAFE CUSTODY AND ENVIRONMENT FOR THOSE INMATES ASSIGNED G.E.D. GROUP, INC. THESE (4) FOUR EMPLOYEES HAVE VIOLATED PLAINTIFF'S CIVIL RIGHTS MAKING G.E.D. GROUP SOLELY RESPONSIBLE.

V. PRAYER

WHEREFORE it is demanded the Court issue judgment against the defendant(s) as follows:

- A) A JURY TRIAL ON ALL ISSUES.
- B) COMPENSATION IN THE AMOUNT OF
\$100,000.00 FOR EACH OF THE FOUR
COMPLAINTS.
- C) PUNITIVE DAMAGES AS A JURY MAY
AWARD

Dec 5, 2018
Date

Respectfully Submitted,

Clifton Skelton
Signature

[THIS NEXT SECTION MUST BE COMPLETED BEFORE A NOTARY PUBLIC]

I, the Affiant, first being duly sworn have read the foregoing pleading and declare that the information contained therein is true and correct to the best of my knowledge.

/s/ Clifton Skelton

STATE OF NEW MEXICO

COUNTY OF LEA

SUBSCRIBED AND SWORN to before me this 5th day of December, 2018.

San McCracken
NOTARY PUBLIC

My Commission Expires: November 4, 2020